

WESTFIELD TOWN COUNCIL, October 9, 2006

The Westfield Town Council met in regular session Monday, October 9, 2006 at the Westfield Town Hall. Members present were Teresa Otis Skelton, Bob Smith, and Ron Thomas. Also present were Clerk-Treasurer, Cindy Gossard, Town Manager, Jerry Rosenberger and Legal Council, Brian Zaiger. President Smith called the meeting to order at 7:05 p.m.

President Smith stated they would pull Ordinance 06-41 and 06-42 from the agenda due to notice corrections.

Approval of Minutes:

Ron Thomas made a motion to approve September 11, 2006 minutes as amended. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Ron Thomas made a motion to approve September 21, 2006 Special Meeting minutes as presented. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Ron Thomas made a motion to approve October 4, 2006 Special Meeting minutes as presented. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Guests:

Jack Bonham stated he was a member of the Steering Committee for the Comp Plan and announced a draft plan has been sent and a public hearing will be announced.

Mr. Bonham had concerns regarding Kevin Buchheit leaving and the changes to the Plan Commission.

Council Comment on Guest Comments:

Ron Thomas stated he echoed Mr. Bonham's remarks and concerns.

Jerry Rosenberger explained there was a question regarding the legal notices sent out for Ordinance's 06-41 and 06-42 that were passed in September. Jerry stated it was his recommendation to repeal these Ordinances at this time. Jerry also stated these could be reconsidered at a later date if need be.

Ron Thomas made a motion to repeal Ordinance 06-41. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Ron Thomas made a motion to repeal Ordinance 06-42. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Old Business:

**Ordinance 06-40 WPW Infrastructure Fee Changes/Letter of Credit
First Reading – September 11, 2006
Second Reading**

Jerry Rosenberger explained this Ordinance proposes additional fees associated with the review of PUD documents and rezone documents. Jerry also stated it will also allow the use of Letters of Credit to comply with Performance or Maintenance Bonds.

Teresa Skelton made a motion to approve Ordinance 06-47 as presented. Ron Thomas seconded. Vote: Yes-3; No-0. Motion carried.

**Ordinance 06-47 Rezone Petition – Ackerson Farm
From AG-SF-1 to Ackerson Farm PUD
First Reading – September 11, 2006
Second Reading**

Jerry Rosenberger stated that all issues that WPW had have been completely satisfied and that the take down agreement for 1000 PDU's is acceptable

Nels Akerson stated he had the amendments for the PUD that was agreed upon and they are signed on behalf of the developer.

Ron Thomas made a motion to approve Ordinance 06-47 with the understanding that all WPW standards and specifications be honored in the development of this PUD. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

**Ordinance 06-35 Annexation of Carter/Dunkerly Property
First Reading – Public Hearing September 11, 2006
Second Reading**

Jerry stated this is a voluntary annexation request and is part of the expanded Bridgewater properties.

Teresa Skelton made a motion to approve Ordinance 06-35 as presented. Ron Thomas seconded. Vote: Yes-3; No-0. Motion carried.

Resolution 06-15 Fiscal Plan for Ordinance 06-35

Jerry explained a fiscal plan is a requirement of annexations.

Teresa Skelton made a motion to approve Resolution 06-35 as presented. Ron Thomas seconded. Vote: Yes-3; No-0. Motion carried.

**Ordinance 06-36 Annexation of Andover “Gap”
First Reading – Public Hearing September 11, 2006
Second Reading**

Jerry explained this also is voluntary annexation and is part of the original Andover properties.

Ron Thomas made a motion to approve Ordinance 06-36 as presented. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Resolution 06-16 Fiscal Plan for Ordinance 06-36

Jerry again explained a fiscal plan is a requirement of annexations.

Ron Thomas made a motion to approve Resolution 06-16 as presented. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Park Policies and Procedures

Jerry Rosenberger stated the Policies and Procedures were given to the Council in September and tonight he would ask for a motion to approve.

Teresa Skelton made a motion to approve Parks Policies and Procedures as presented. Ron Thomas seconded. Vote: Yes-3; No-0. Motion carried.

Regulatory Changes/Council Introduction

First Council Consideration

None

Second Council Consideration

None

New Business:

**Ordinance 06-49 Rezone of Bridgewater (146th and Carey Road)
From SF-2 and SF-# to Bridgewater PUD
Advisory Plan Commission Action 9-25-06
First Reading**

Jerry Rosenberger explained this rezone request comes to the Council with a positive recommendation from the APC.

Teresa Skelton made a motion to approve Ordinance 06-49 as presented. Ron Thomas seconded. Vote: Yes-3; No-0. Motion carried.

**Ordinance 06-50 Rezone of Walnut Ridge Estates
16715 Carey Road
From AG-SF-1 to SF-2
Advisory Plan Commission Action 2-25-06**

Teresa Skelton recused herself from this discussion.

President Smith stated this Ordinance will need to come back to the Council in November.

**Ordinance 06-45 Annexation of Andover North
First Reading
Public Hearing Required**

Jerry explained this is a voluntary annexation request and will need a Public Hearing tonight.

Public Hearing opened 7:29 p.m.

None

Public Hearing closed 7:30 p.m.

**Ordinance 06-39 Parks and recreation Department Non-Reverting Fund
First Reading**

Jerry Rosenberger explained the need for this Ordinance that would establish a non-reverting fund to receive fees for activities, rentals and programs that will be used for operating expenses with park activities.

Jerry stated this Ordinance would be back to the Council in November.

**Ordinance 06-41 Vacant Lot Fee for Water Service
First Reading
Public Hearing**

Back to the Council at a later date.

**Ordinance 06-42 Amendment to Wastewater Fees/Vacant Lot Fee
First Reading
Public Hearing-September 11, 2006**

Back to the Council at a later date.

**Resolution 06-21 Preliminary resolution for Establishing
An Economic Revitalization Area (ERA)
For Tax Abatement Consideration**

Jerry explained the Shannon Door Company currently operating in Carmel has asked for a consideration of tax abatement for their project that would build in West Oak Industrial Park.

Mr. Peter Burks and Mr. Kent Shively gave a brief history of their company.

Ron Thomas made a motion to approve Resolution 06-21 as presented. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

2007 WPW Water Utility Budget

Jim Treat from O.W. Krohn gave a presentation to the Council explaining the 2007 Water Budget.

Ron Thomas made a motion to approve the 2007 Water Budget as presented. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

2007 Wastewater Utility Budget

Jim Treat also gave a presentation to the Council of the 2007 Wastewater Utility Budget.

Ron Thomas made a motion to approve the 2007 Wastewater Utility Budget as presented. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Ordinance 06-52 Erosion and sediment Control Amended Ordinance First Reading

Bruce Hauk explained this is an amendment to the original Ordinance 06-16 that was passed on April 10, 2006. Bruce stated they have now had time to evaluate 06-16 and recommend making modifications and improvements.

Bruce stated he would like to bring Ordinance 06-52 back to the Council for a second reading in November.

Resolution 06-24 Design/Build Contracting Method – WPW

Bruce stated this Resolution would allow the WPW to adopt a Technical Committee using the Design and Build process to make the WPW campus additions.

Ron Thomas made a motion to approve Resolution 06-24 with the committee being Bruce Hauk, Renee Goff and Jim Peyton. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Resolution 06-23 Leasing Resolution for “Lease Purchases”

- **2006 Single Axle Dump Truck**
- **New Holland TS115A Tractor**
- **Alamo Maverick 24 Mower**

Bruce Hauk explained Resolution 06-23 is a standard resolution that would allow WPW to create financing through Fifth Third Bank. Bruce explained this is similar to financing the Police and Fire use for purchases.

Ron Thomas made a motion to approve Resolution 06-23 not to exceed \$203,408.00. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

WPW Infrastructure – Standards and Specifications Policy Manual

Bruce Hauk explained Renee Goff has put together a summary of changes being recommended for the Standards and Specifications Policy Manual for Council review. Bruce explained this would come back in November for approval.

WPW Projects (Award of Bids)

- **161st Street Water Line Tie In**
- **Cherry Tree Raw Water Line Project**

Bruce Hauk presented the bid information for the projects recommending Culy Construction for 161st Street Water Line Tie In.

Teresa Skelton made a motion to approve awarding the bid for the 161st Street Water Line Tie In to Culy Construction not to exceed \$34,000.00. Ron Thomas seconded. Vote; Yes-3; No-0. Motion carried.

Bruce Hauk again presented the bid information for the Cherry Tree Raw Water Line Project recommending Fleetwood Contract Corporation.

Teresa Skelton made a motion to award the Cherry Tree Raw Water Line Project to Fleetwood Contract Corporation not to exceed \$164,140.00. Ron Thomas seconded. Vote: Yes-3; No-0. Motion carried.

Consent Agenda:

Release of Performance Bonds –

- Countryside (Water, Sewer, Roads (binder) and Storm Sewers
- Oakridge Crossing (Water, Sewer, Roads (binder) and Storm Sewers

Bruce Hauk stated all Consent Agenda items have been satisfied.

Ron Thomas made a motion to release Performance Bonds for Countryside and Oakridge Crossing. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Release of Maintenance Bonds

None

Subsequent Connector Fee/Re-imburement Fee Agreements

- **Water Reimbursement**

Maple Knoll Section 1 (\$15,311)
Countryside Section 11D (\$11,895)
Andover Garden and Villas (\$20,830)
Maple Glen Elementary School (\$59,512) (\$78,924.82)

- **Wastewater Reimbursement**

Maple Glenn Elementary School (\$31,910)
Maple Glen Elementary School (\$102,196.45)

Ron Thomas made a motion to release the Water Subsequent Connector Fee/Reimbursement Fee as read. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Ron Thomas made a motion to release the Wastewater Subsequent Connector Fee/Reimbursement Fee as read. Teresa Skelton seconded. Vote: Yes-3; No-0. Motion carried.

Town Manager Report:

Public Safety Building Corporation can be used for the new town Hall but Council will need to find 3 replacements to serve.

Project Team with Town Hall expansion needs Construction Management – Council needs to interview for position

Preliminary time table for expansion

Excess Levy hearing Bob Smith will be attending on Thursday also

Education evening with Kreig-DeVault discussing Redevelopment Commission

Park projects are moving along

Skateboard Park equipment deliver has been scheduled

Council Members Comments:

Ron Thomas stated Thursday is Government Week open house.

Claims:

Teresa Skelton made a motion to approve the Claims as presented. Ron Thomas seconded. Vote: Yes-3; No-0. Motion carried.

With no further business the meeting adjourned at 8:35 p.m.

Clerk-Treasurer

Council President